

## **Chapter 8.38**

### **PUBLIC SWIMMING POOLS**

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#### **8.38.010 Definitions.**

For the purposes of this chapter, the following words shall have the following meanings:

Bathhouse shall mean any building adjacent to the swimming pool used by the swimmers and bathers for changing clothes. The term "bathhouse" shall also include accompanying bather preparation facilities.

Health Director shall mean the Health Director of the Lincoln-Lancaster County Health Department or an authorized representative of the director.

Person shall mean any individual, firm, partnership, association, corporation, company, municipality, political subdivision, community governmental agency, club, organization, or other entity owning or operating a swimming pool.

Swimming pool shall mean any artificial basin of water which has been wholly designed, modified, improved, constructed, or installed solely for the purpose of public swimming and which is provided with equipment to filter and disinfect the water, and shall include pools for community use, pools at apartments, condominiums, townhouses, or other housing developments having five or more living units, at clubs, camps, schools, institutions, park and recreation areas, motels, hotels, and other commercial establishments but does not include pools at private residences intended only for the use of the owner and guests.

All swimming pools shall be divided into the following two classes:

(a) Class A pools shall consist of pools operated by municipalities and other political subdivisions, or any other governmental agency and also pools operated only for the purpose of public swimming, subject or tending to an almost regular or continuous use by a substantial number of people at

regular intervals. All swimming pools with any or all of the above characteristics shall be classified as Class A swimming pools.

(b) Class B pools shall consist of pools operated by entities such as hotels, motels, and apartment houses which tend toward casual use or which serve merely as adjuncts or additional services to the other main facilities made available to a patron or resident by the management of such an establishment, and which is not otherwise classified as Class A.

Swimming pool operator shall mean the individual charged with the immediate supervision of a swimming pool and licensed as such. (Ord. 15565 §1; May 14, 1990: P.C. §8.67.010: Ord. 13167 §1; July 13, 1981: Ord. 12224 §1; March 13, 1978).

#### **8.38.020 Submission of Plans and Specifications; Permits for Construction.**

No person shall begin construction or installation of any swimming pool or shall make addition to any swimming pool without first having submitted plans, specifications, and other relevant data to the Health Director, who shall review and approve said plans and submit them to the State of Nebraska Department of Health and any other required approving agency for review and approval.

Before a building permit is issued by the Department of Building and Safety, the construction plans shall be approved by the State of Nebraska Department of Health. In addition to the requirements of this chapter, the requirements of the plumbing, building, electrical, zoning, and all other relevant ordinances and regulations of the city shall apply. (Ord. 15565 §2; May 14, 1990: P.C. §8.67.020: Ord. 12224 §2; March 13, 1978).

#### **8.38.030 Design Standards.**

The plans and specifications shall be prepared and the construction executed under the immediate supervision of a professional engineer or professional architect registered to practice in the State of Nebraska if the swimming pool is to be constructed, installed, altered, or improved in the city or within three miles of its boundaries and the total cost of the swimming pool and its accompanying bather preparation facilities is in excess of \$10,000.00.

All plans and specifications and construction of such swimming pools and bather preparation facilities shall be done in accordance with the design standards adopted by the City Council of the city by resolution after a report and recommendation from the Board of Health. (Ord. 15565 §3; May 14, 1990: P.C. §8.67.030: Ord. 12224 §3; March 13, 1978).

#### **8.38.040 Permit to Operate.**

No person shall operate or maintain a swimming pool in the city or within three miles of its boundaries unless a permit for said swimming pool shall have been issued by the Health Director. Each permit shall be valid for one year from the date of issuance. A new permit shall be secured on or before April first of each year, which will expire the following March thirty-first. All permits shall be in writing and shall state the conditions and term thereof. It shall be unlawful for any person to conduct, operate, maintain, or manage a swimming pool without complying with the requirements of this chapter, and the Health Director is charged with the enforcement of the provisions hereof. A permit to operate a swimming pool shall be nontransferable. (Ord. 15565 §4; May 14, 1990: P.C. §8.67.050: Ord. 12224 §5; March 13, 1978).

#### **8.38.050 Safety Standards.**

All swimming pools shall be operated and maintained in accordance with the safety standards adopted by resolution of the City Council, after report and recommendation of the Board of Health. (Ord. 15565 §5; May 14, 1990; P.C. §8.67.060; Ord. 12224 §6; March 13, 1978).

#### **8.38.060 Supervision of Swimming Pools.**

Every swimming pool shall be under the immediate supervision of a licensed swimming pool operator of majority age who shall be held responsible for compliance with all provisions and regulations relating to equipment, pool operation, and maintenance, and safety of bathers. A valid certificate of competency obtained as a result of attendance and successful completion, by passing a test, of a swimming pool operator's training clinic sponsored or recognized by the Health Department must be presented by each operator of a swimming pool as evidence of compliance with this section. (Ord. 15565 §6; May 14, 1990; P.C. §8.67.070; Ord. 14901 §1; June 6, 1988; Ord. 12224 §7; March 13, 1978).

#### **8.38.070 Lifeguard Requirements.**

All Class A swimming pools open to the public for swimming or rented or leased to private groups for swimming must have a lifeguard on duty. Schools or institutions which conduct swimming classes or swimming meets shall be exempt from the lifeguard requirement only during swimming classes or swimming meets if the class or meet in session is under the direct supervision of an individual responsible for supervising the group and capable of taking the necessary actions in the case of an emergency.

Swimming pools having between 2,000 and 6,000 square feet of water surface area shall have a minimum of two lifeguards on duty. If the pool area is between 6,000 and 15,000 square feet, a minimum of three lifeguards; if the pool area exceeds 15,000 square feet, a minimum of four guards shall be on duty. The pool manager shall be authorized to put extra lifeguards on duty if in the pool manager's opinion the design or shape of the pool or bather loan warrants the need of more than the minimum number of guards. The number of lifeguards on duty shall be sufficient to permit periodic relief or rest periods. At Class B swimming pools where lifeguard service is not continuously provided, a warning sign shall be placed in plain view of the user and shall state "Warning - No Lifeguard" in letters at least four inches high, and "Children shall not use pool without an adult in attendance" in clearly legible print with letters at least two inches high. (Ord. 15565 §7; May 14, 1990; P.C. §8.67.080; Ord. 12224 §8; March 13, 1978).

#### **8.38.080 Compliance with Requirements of State of Nebraska Health Department.**

In the construction, operation, and maintenance of any Class A and B swimming pool, state laws and rules, regulations, and requirements of the State of Nebraska Health Department shall be observed. In the event of any conflict between the provisions of this chapter and any provisions of the state law or requirements, rules, or regulations of the State of Nebraska Health Department, the provisions imposing the higher standard or the more stringent requirement shall be controlling. (Ord. 15565 §8; May 14, 1990; P.C. §8.67.090; Ord. 12224 §9; March 13, 1978).

#### **8.38.090 Fees.**

There shall be a \$200.00 fee for a permit to conduct, operate and maintain a Class A or Class B swimming pool. The fee for a permit to conduct, operate and maintain a swimming pool shall be payable annually to the City of Lincoln and shall be credited to the Health Fund.

Failure or refusal to pay the permit fees required by this section to be paid on or before April first of each year for which a permit is issued shall be grounds for revocation of such permits. (Ord. 17714 §1; August 14, 2000: prior Ord. 15565 §9; May 14, 1990: P.C. §8.67.100: Ord. 15245 §1; August 7, 1989: Ord. 12224 §10; March 13, 1978).

#### **8.38.100 Polluted Water.**

No body of water in the City of Lincoln or within three miles thereof which contains sewage, waste or other contaminating or polluting substances or material, or ingredients rendering the water hazardous to health shall be used for swimming or bathing purposes by any person or persons. (Ord. 15565 §10; May 14, 1990: P.C. §8.67.102: Ord. 12224 §11; March 13, 1978).

#### **8.38.110 Inspections and Enforcement.**

The Health Director is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance. Upon presentation of proper credentials, the Health Director may enter at reasonable times any building, structure, or premises having a swimming pool located in the city or within three miles thereof to determine compliance with the requirements of this ordinance, and it shall be unlawful for any owner or occupier of the premises or person in charge of the premises to deny right of entry to the Health Director to make the inspection.

Whenever the Health Director has reasonable grounds for believing that there has been a violation of this ordinance, or that the conditions in existence at a swimming pool endanger the public health or safety, the Health Director may order that the swimming pool be immediately closed until such time as the conditions are corrected and all provisions of this ordinance are complied with. The Health Director shall give written notice to the person or persons alleged to be in violation. Such notice shall identify the provision of this ordinance alleged to be violated and the facts alleged to constitute such violation. (Ord. 15565 §11; May 14, 1990: P.C. §8.67.104: Ord. 12224 §12; March 13, 1978).

#### **8.38.120 Revocation of Permit.**

Any permit granted by the Lincoln-Lancaster County Health Department hereunder may be revoked by it for failure to comply with rules and regulations promulgated hereunder or with this chapter; or whenever, in the determination of the Health Director, further operation under such permit creates a menace to the health of the users of the swimming pool; provided, that the holder of any permit which has been revoked may appeal to the Board of Health the Health Director's revocation of the permit and may have the board determine the legality or reasonableness of such revocation. No appeal under this section, however, shall entitle the permit holder to continue operation of a swimming pool pending action by the Board of Health. (Ord. 15565 §12; May 14, 1990: P.C. §8.67.106: Ord. 12224 §13; March 13, 1978).

**8.38.130        Penalty.**

Any person upon whom a duty is placed by the provisions of this ordinance who shall fail, neglect, or refuse to perform such duty or who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period of not to exceed six months or by a fine of not to exceed \$500.00 recoverable with costs, or both. Each day that a violation of this ordinance continues shall constitute a separate and distinct offense and shall be punishable as such. (Ord. 15565 §13; May 14, 1990: P.C. §8.67.108: Ord. 12224 §14; March 13, 1978).